

Pennsylvania-Governor

INAUGURAL ADDRESS

AND

SPECIAL MESSAGE

OF

ROBERT E. PATTISON,

GOVERNOR OF PENNSYLVANIA.

HARRISBURG:
PATRIOT PUBLISHING COMPANY.
1883.

3 Jan 14 A.M.F.

353.9
P381pa

INAUGURAL ADDRESS.

Gentlemen of the Senate and House of Representatives, and Fellow-Citizens:

Called by the people to perform, for a time, the functions of Chief Executive of the State, I follow an old and respected custom in briefly stating some of the principles that will guide me in the administration of the office.

I would first call attention to the bountiful manner in which a kind Providence has blessed our State and endowed its people with benefits. We should never cease to make grateful acknowledgment of His overshadowing care. At periods like this there is a peculiar fitness in a public recognition of the goodness of that Supreme Being who has been our safeguard from calamity, and whose benefactions have attended us with unceasing constancy.

In the execution of the trust confided to me by the people, it shall be my constant endeavor to ascertain their will with accuracy, and carry it out with fidelity. For this purpose I solicit the freest communication between the people and the Executive, and will diligently avail myself of every facility which will tend to inform me of their wishes. It will be my solicitude to strengthen and confirm the public faith in democratic institutions by demonstrating, in the sphere to which I have been appointed, their aptitude for recording and affecting the wishes of the people. Our government was constituted to give direct and prompt recognition to expressions of the popular will.

I adopt, as of direct application to the present time, a sentence from President Jackson's first inaugural, in which he says: "The recent demonstration of public sentiment inscribes on the list of executive duties, in characters too legible to be overlooked, the task of reform."

This task, clearly set before him, the present Executive will zealously strive to fulfill. Happily for him, there can be no doubt of the particular subjects as to which the public anxiety for improvement has manifested itself. These are well defined. The method of accom-

Continuation

51

1883.

Ex

Ms. Lib.

Ms. P. 36. 116.

4 May 10

plishment is a question for the legislative wisdom ultimately to determine. So far as the limits of an address like this will permit, let me briefly state a few of the subjects of needed reform.

The people demand the abolition of needless offices; the fixing of official compensation at sums commensurate with the service rendered by salaries definitely ascertained; rigid accountability in the expenditure of public moneys; a public performance of official trusts; and the raising of the efficiency of the civil service by making fitness and integrity alone the tests for appointment.

The people demand strict economy in the expenditure of their moneys; a simple and business-like conduct of the affairs of government; and a repeal of all laws creating avenues for the needless spending of public funds at the discretion of officials.

The people demand that the burdens, as well as the benefits, of government shall be distributed with fairness, justness and impartiality. They demand uniformity and simplicity in taxation, and its distribution in such a manner as that, while all shall bear their just share of the common burdens, those shall contribute most who receive most, and those suffer least who can bear least. There is no more difficult problem in government than that relating to taxation. Revenue must be raised by the State for the efficient conduct of its affairs. Care should be taken, however, in the imposition of taxes, that we do not lose sight of those upon whom the imposition finally rests. The hand that pays the tax into the treasury is not always the hand that earned the contribution. That system is most equitable which, recognizing this truth, so distributes the taxing weight that none shall escape, and none bear more than their just proportion. Our present system, in its State, county and township ramifications, is intricate, unequal and ill-digested. It is to be hoped the present Legislature will devise some method for a simpler and juster allotment of these burdens.

I shall urge upon the General Assembly the passage of legislation necessary for carrying into effect the provisions of the Constitution of the State. The benefits of some of the most salutary sections of that instrument have not been secured by the people, because of the failure of the Legislature to pass the laws needed for its complete enforcement. The care bestowed by the Convention in framing the Constitution, and the large majority of votes cast for it when before

the people for adoption, should have inspired their representatives in the Assembly to prompt action in passing the measures needed to give it full effect. Particularly should this have been done since the instrument itself enjoins the Legislature so to do, and their official oaths pledge them to its support, obedience and defense. When the people adopted the Constitution they sanctioned its wisdom. It then became the supreme law of the State, and the highest exposition of the will of the people, ascertained in the most sacred way known to democratic government. It does not become the representatives of the people to question or evade such a law. Their single duty is to obey it.

Some of the sections of the Constitution from which most good was expected, and most could be secured, have as yet yielded no measure of the benefit, or left any visible effect. This is particularly true of Article XVII of that instrument, regulating railroad and canal companies. By tacit consent a construction of that Article has been acquiesced in by which the great corporate bodies of the State have escaped its limitations and been exempted from its provisions. They have violated it constantly, defiantly and flagrantly. The people are entitled to have at least a fair trial made of their ability to bring the vast corporations they have created and fostered under their just regulation and control. More than this is not contended for in Article XVII of the Constitution. It commands nothing but what is right, and forbids nothing but what is clearly wrong. It simply requires corporations to act justly, and treat all people alike, with uniformity, fairness and impartiality. It prohibits unfair discrimination against persons or places, forbids extortion, and seeks to prevent monopolies and compel the creatures of the law, who owe their breath to the people, to be law-obedient, and not use their granted powers to harrass and oppress. The same Article specifically commands the Legislature to enforce its provisions by "appropriate legislation." Surely an honest effort should be made to give adequate effect to so wise and just a section of the fundamental law.

This leads me to say that, in my judgment, there is much to be done in the way of legislation, to prevent the power of corporations from becoming too vast and irresponsible. They are a new element in our modern civilization. They have outgrown the most sanguine expectation in their development, and have introduced new evils, as well

as new benefits, into our system. Their influence has extended itself into almost every department of business and of life. Their motions not only affect the great centers of money and of trade, but the minutest affairs of individuals are affected by their caprice. Thousands of laborers look to them for employment, and depend alone upon their determination for the measure of hire. The price of the necessities of life, too, are often regulated by their will. All this is an exhibition of power not contemplated in their creation, which had in view solely the public interest and general good. The existence of such power in any combination of men is to be deplored, and, if possible, prevented; or, at least regulated and controlled. It is idle to lament this condition of affairs, unless something is done to correct it. It is vain for those in authority to shut their eyes to the fact that something must be done to bring into proper regulation the corporations of the country, and adjust, upon some fair and reasonable basis, the contentions between these objects of the bounty of the State and the people.

At the proper time I may transmit to the Assembly some further suggestions upon this subject, with, possibly, some formulated thoughts. Meantime it may be said, that in the settlement of matters of this kind, much depends upon the temper each party brings to the controversy. If passion shall rule, then will no good be accomplished; but rather evil to all. But if justice shall be the guide, and her principles the criterion, then there can be no doubt of equitable conclusions and satisfactory determinations. The people, I am convinced, ask for nothing unreasonable, if their fundamental law is the expression of their demands. It is the sworn duty of the Assembly, and all in authority, to protect and defend that charter of the people's rights.

Competing telegraph companies have consolidated in open violation of law and to the public detriment. Citizens of the Commonwealth have recently invoked the interposition of the State authorities to prevent the continuance of this flagrant wrong. It is to be hoped the proceedings thus inaugurated will result in the vindication of the Constitution and establish the adequacy of its powers. Corporate lawlessness must be made as amenable to punishment as personal lawlessness.

With the augmentation of corporate power has arisen, also, other large accumulations of capital, devoted to various forms of industry. Our own State, in the development of its peculiar sources of mineral wealth, is exceptionally prominent in this respect. These accumulations of corporate and other capital invested in business enterprises employ armies of workmen concentrated at single establishments. From this has arisen contests between those who pay and those who receive wages. In recent years these conflicts have been of frequent occurrence throughout the entire country, and have often resulted in violence, not only to the public peace, but to person and property. A continual, though irregular, struggle is now and has for years been going on between these two conflicting elements. Complaints of injustice are constantly being made by one against the other, and each in turn appeals to the State for remedial legislation. Such appeals should not be unheeded, but should be attentively listened to and carefully considered. These questions, at times, have threatened to become a formidable element in our politics and a disturbing factor in our elections. This is not as it should be, and nothing but evil can result from the intermingling of such matters. It gives excuse for reckless demagogues to ply their vocation, exposes labor to debasement from the intrigues of politicians, and injects rashness and passion into a discussion which has peculiar need for calmness, deliberation and dispassionate reason. For government to shut its eyes and close its ears to the complaints and petitions of any body of its citizens is folly. Such a course corrects nothing and settles nothing. Particularly should heed be given to the appeals of so large and important a part of the community as those depending for subsistence upon the wages of toil. Labor is the main pillar of the State. As an honored statesman of our own country has said: "Labor is the superior of capital, and deserves much the highest consideration." But the consideration given to such matters should be deliberate and searching, and the relief thorough and systematic, if it is to be lasting and effectual. I cannot but indulge the belief that our political system is capable of providing some other remedy than the bayonet for the settlement of such disputes. Our form of government, I have no doubt, is competent to deal with this matter fairly and effectively, without injustice to the rights or interests of either party to the controversy. Upon the wisdom of the legislative department rests, in the first instance, the responsibility for a proper solution of this question.

The Assembly has also failed to enforce by appropriate legislation a number of other provisions of the Constitution, and pass laws the enactment of which is enjoined by that instrument.

The salaries of certain judges of the Commonwealth have not been fixed by the Legislature, and they have been receiving compensation almost without authority of law, and by the sufferance of the accounting officers.

The Assembly at its last session, though prolonged beyond precedent, and at great expense to the Commonwealth, failed to apportion the State into Legislative and Congressional districts,* though the Constitution commands that such apportionment shall be made "immediately after each United States decennial census." There was not even an attempt made to obey this injunction. Such default is inexcusable. It is the duty of the present Legislature to promptly perform this neglected duty,

The Assembly will not be called to act upon a more important measure during its session than that of the apportionment. It touches government in its most vital parts. Fair and just representation to all sections of the State underlies the whole fabric of our political system. It is the corner-stone of our government. Considerations of party, of factions, of locality or of individuals have nothing to do with the subject of apportionment. This duty should be performed by the Legislature upon uniform and just principles. There should not be one rule for one part of the State and a different rule for another. The Constitution commands that the districts shall be composed of "compact and contiguous territory." This rule should be observed throughout the entire State. It is palpably violated by the present apportionment. To disobey it is to commit a wrong against government and the people's right to honest and just representation. The members of the Legislature should be forcibly impressed with the gravity of their duty in this respect, and the obligation for its prompt and just performance.

The exercise of the pardoning power by the Executive has been the subject of much public criticism. Nor is this recent only. So great had become the popular complaint that the Convention which framed the Constitution attempted to correct what was admitted to be an abuse, by creating a board for the hearing of applications for pardon,

* Should read "Senatorial and Representative districts."

whose judgment should be submitted to the Executive for his assistance in determining the merits of such applications. Such a plan ought to result in fuller and more careful consideration, and decisions more in accordance with the dictates of justice and humanity. I do not believe, however, that the Pardon Board was intended to be a court of last resort for reviewing the legality of the judgments of the courts below, and their decisions upon points of law and the weight of evidence. Our system of judicature, with its justices, juries, judges and Supreme Court, provides the proper tribunals for the trial of causes, and has the confidence of the community. Their judgments should not be lightly treated, or disturbed without overwhelming reason. The Pardon Board is not a court for the trial of questions of law or of fact. It has become a truism, that it is not the severity, so much as the certainty, of punishment which prevents wrong doing. This certainty cannot be secured if it is understood by criminals that after their cases have been fairly heard and passed upon by every court known to the law, they may still experiment with the sympathy and various judgments of a mixed board of lawyers and laymen. I shall make it a rule to grant no pardon except for cause appearing since the trial, and in cases of manifest injustice.

The government of large cities is a subject of growing importance, and is attracting much attention from minds directed to questions of municipal reform. It has been in the great centres of population that the most flagrant abuses in government have been manifested and the greatest wrongs been inflicted upon the people. Extravagance, fraud and speculation; the corruption of the ballot and the subversion of the popular will as expressed at elections, have grown to such proportions in our large cities that the stoutest friends of free government have become alarmed for its permanence. In my judgment, the best corrective for many of these evils is enlarged and freer local self-government. Beyond a few general limitations, the State should empower municipal corporations to regulate their own affairs. In this Commonwealth, at least, many of the most prolific sources of abuse have been fastened on cities by the Legislature of the State, from which the people have sought to relieve themselves in demands for the repeal of the obnoxious legislation. Many of their concerns are under the direction of officers who owe no responsibility to the corporations they serve. In some instances the power previously con-

ferred upon cities to regulate matters exclusively affecting the convenience and comfort of their own citizens has been taken from them by the General Assembly. It is this legislation from a distance that has caused many of the complaints from municipalities, and that should be stopped and its wrongs redressed. The people of cities who best know their own wants should be allowed to spend their own money, fix the salaries of their officers and direct their own private affairs. This would be more in accordance with the spirit of our institutions, and would make local officers responsible to the people whose servants they are, and who would thus have in their own hands the power to correct the evils under which they suffer.

I look forward with bright anticipation to the future of our Commonwealth. Her possibilities are great beyond those of almost any of her sister States. Let it always be remembered by all citizens, that intelligence and virtue are the safeguards of liberal institutions. The law must be preserved in its integrity and supremacy; citizenship should not be treated as a light privilege, but its duties should be made a serious matter of conscientious performance; the purity of our elections must be sacredly preserved; and all alike should feel a personal interest in discharging their obligations to the State, and sustaining the officers of the law in the faithful and just performance of their functions. It will always be my pleasing duty to cooperate with the representatives of the people in giving validity to enactments whose object is the dissemination of information, the promotion of the general welfare, the placing of additional safeguards around the upright, or the punishment and restraint of the lawless and vicious. In short, whatever will tend to develop the resources, increase the comforts, or enlarge the happiness and prosperity of the citizens of a State, which has been alike fortunate in its location and the wise policy of its founder, should receive the sedulous attention and constant support of every one who is called upon to make, expound, execute, or obey the laws.

SPECIAL MESSAGE.

EXECUTIVE DEPARTMENT,
COMMONWEALTH OF PENNSYLVANIA,
Office of the Governor, Harrisburg, February 6, 1883.

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN:—Though so short a time has elapsed since the former Executive addressed you in an able, wise and exhaustive message, yet, in accordance with requirements of the Constitution, that the Governor shall, from time to time, recommend to the General Assembly such measures as he may judge expedient, I send you this communication.

The act of 1878, defining the term and enlarging the duties of recorders in cities of the first class should be repealed. A bill for that purpose is now pending in the Assembly, and I trust it will soon receive the sanction of both houses. The act of 1878 was a most vicious piece of legislation. It enlarged an almost obsolete office into one of vast powers, many of which seem to have been conferred for the sole purpose of enabling the officer to get fees, and swell his emoluments to an enormous and unwarranted sum. Indeed, in some instances, it is to the benefit of the recorder, under the provisions of the act, that mistakes should be made by his appointees, as he thereby collects fees for the correction of such mistakes.

The citizens of Philadelphia, the only locality affected by the act of 1878, have been long demanding its repeal. There appears to be but one opinion in that community upon the subject. An attempt to repeal the act at the last session of the Legislature was rendered futile by reason of the disagreement of the two houses. It is to be hoped no such failure to relieve the citizens from unjust and burdensome legislation will result at this session. The whole subject has been so fully and frequently discussed in the former Legislature and through other public channels that I do not deem it necessary to further repeat those arguments. The Executive is clearly of the

opinion that whatever other enactments may be necessary upon the subject thereafter, the act of 1878 should be at once repealed as a condemnation of such improper legislation.

The office of delinquent tax collector of Philadelphia is one that should be promptly abolished. Its fees are enormously excessive, and like the recorder's emoluments seem to have been fixed only with an eye to the enriching of the official, and not the benefit of the people. Bills are now upon your calendar looking to the abolition of this office. I bespeak for them your careful consideration, that this office may be stripped of its excessive emoluments exacted from the unfortunate and needy, and its duties performed without oppression, and with some regard to the interest of the citizen, and not alone the benefit of an official. As to this subject, also, the people of Philadelphia are of one mind.

The office of sealer of weights and measures should be abolished. Its powers, wherever deemed essential in the large cities and towns, might well be imposed upon police officers and the duties be performed by them without extra compensation. This office is one particularly obnoxious to the people. Its powers are inquisitorial and offensive, and nothing but the strongest necessity can justify the creation of such offices. They affect matters purely of police regulation, and in cities like Philadelphia and Pittsburg, with hundreds of policemen, the duties could readily be performed by those officers without cost to the people.

The office of boiler inspector is of the same objectionable class, and might also be dispensed with. The people of the counties where they exist are petitioning for their abolition, and I observe that bills for that purpose are now before you. The laws authorizing their appointment should be repealed, unless there exists some strong reason of public policy for their continuance.

I have always entertained the opinion that needless and extravagant offices, such as those I have referred to, should be entirely abolished. Some of these places pay their incumbents greater compensation than is received by any officer of the Commonwealth, and at least one of them more than the salary of the President of the United States. The Legislature should not hesitate about what to do in these and similar cases. The public service should not be made attractive because of its emoluments. Extravagant salaries breed an

office-holding class, inspired not by patriotism and public spirit, but by avarice and greed of gain. The youth of the land should be taught to look to official preferment for its honorable distinction as an avenue for faithful public service, and not as a means of money-making and of escape from the burdens of labor. These opinions, always entertained and frequently expressed, I will gladly coöperate with the Assembly in putting into practical operation by abolishing all needless and retrenching all extravagant offices. I have been gratified to observe the disposition shown and progress already made by the Legislature towards that end. While such offices exist, however, the Executive deems it his duty to see that they are filled by those in whom he has the highest confidence, and can repose the fullest trust. This is his first and sworn duty, if he is to "take care that the laws be faithfully executed."

The spirit of the Constitution undoubtedly is that all officers and employes, either of the State or local governments, should be paid by fixed salaries, and not by fees. This spirit should be faithfully carried out by the Legislature, and a law enacted abolishing fees wherever possible, and fixing a definite salary for all incumbents. However it may be disguised, every law authorizing the charging of a fee for an official act is equivalent to the levying of an additional tax. It is an indirect form of taxation, objectionable for its uncertainty and the difficulty of ascertaining its amount. All taxes, whether fees or otherwise, should first go into the public treasury, that the people may know how much they contribute toward the cost of government, and public officers should afterwards be paid therefrom known and fixed amounts for their services.

In abolishing the fee system, however, care should be taken that the compensation be not merely changed to a fixed salary equally as exorbitant as the former sum received. Many of the salaries fixed under the present Constitution are out of all proportion to the service rendered. There are clerks of courts receiving greater pay than the judges whose subordinates they are, and registers of wills whose salaries are twice as much as those of the court who adjudicate the dead men's estates. By what possible system of adjustment these results were arrived at it would be difficult to determine; but such incongruities should not be permitted longer to exist. They will serve to illustrate, however, the necessity for a careful scrutiny of official salaries with a view to a general reduction of many.

The appointment of a joint committee of the Legislature to inquire what offices in the various executive departments of the State may be dispensed with is a most desirable undertaking. Diligent inquiry will, I am convinced, enable the committee to recommend a considerable reduction in the force of employees in the departments and the amount of their compensation. I regret the scope of the inquiry was not enlarged so as to include the entire civil service of the State. The results, I am sure, would have been more effective. It is not too late for the Legislature yet to empower the committee to so extend its investigations.

The advertising of official notices has been the source of many abuses and much scandal, particularly in our cities. Much of the official advertising, as now done, is practically useless and a waste of public moneys. I would recommend the enactment of some general law upon this subject requiring public advertisements to be inserted in newspapers of largest circulation. If there is any purpose to be served by such advertising, beyond the mere expenditure of money, if publicity is really what is desired, then the most evident means to obtain that publicity should be adopted, and papers of largest circulation employed. Not only would such a course execute the plain purposes of the law, but a great saving of money could be effected, as there would not then be a necessity for so frequently inserting the notices or advertising them so much at length. Economy and publicity would both be served by the enactment of such a law. In municipal advertising it would be well to invest the control of such matters in the councils of the cities. They are nearest to the people, whose money is spent; best know the popular wish, and it would be wisest to trust their discretion. Such provisions as I have indicated with reference to advertising would enable officials to be more independent of party journals and would have a healthful influence upon the press, by enabling that avenue of public information to be more free and independent in its strictures upon officials. The public money should not be used to subsidize the channels through which the people learn to a good extent how their servants execute their trusts.

There is a bill pending before you for the better government of cities. I trust it will receive most faithful and attentive consideration. Though slightly changed, it was drafted by a commission of able gentlemen appointed by the Governor several years ago, under

the authority of the Legislature. Coming from such a source, and prepared at the public expense, it is to be regretted that it was not acted upon by former Legislatures before whom it has been, even though their attention was directed to it by my distinguished predecessor. The problem this bill is intended to solve is one of great moment. The growing importance of large cities in their relations to the State, their influence upon the concerns of government, the vast wealth they contain, the number of citizens whose happiness and prosperity are affected by them—all these considerations make their proper regulation a subject the importance of which cannot be overestimated. The whole State is interested in this question. Bad government in the cities has an unmistakable influence upon the other counties. A large part of the public service is centered there, and a large part of the public income is collected in them. They do much to affect public sentiment and public morals. They contain a large part of the popular vote, and most of the abuses of government have grown up within them. In every way, therefore, this subject is important as well as to the cities themselves. The bill before you was prepared by most able gentlemen, without interest in the subject matter, except as citizens desiring the general good. It is thus presented to you in a way that ought to commend it to your best and most deliberate judgment. I bespeak for it your careful consideration.

A commission of experts, appointed by the former Governor, after much labor and careful consideration of the subject, reported a bill which he submitted to you for the regulation of institutions for the care and treatment of the insane. In his message he urges you to give the measure thoughtful attention. I join in that request, and would also suggest that any independent measures upon the same subject be postponed until the Legislature comes to some determination upon the general bill. The subject is an important one, and what is done should be done thoroughly and systematically. The fragmentary character of much of our legislation is a matter to be regretted.

By the decision of the Supreme Court, the act dividing cities into classes was determined to be constitutional. By virtue of this, much legislation is enacted really of a special character, and so intended to be. While this decision stands of course it is to be respected, but I warn the Legislature against its dangers. Under it the cities of Pittsburg or Philadelphia may be legislated for as particularly and

specially as they could have been before the present Constitution was adopted, and it is a nullity so far as they are concerned. The people of Philadelphia would not to-day be clamoring for the repeal of the recorder's law of 1878, if it were not for the act of Assembly and judicial decision to which I have referred. Such measures are not required to be advertised, and no notice of their intended passage is given to the people of the locality they affect. Another evil of this condition of the law is that bills are passed which now only affect a particular city; but which because of their general character may in the future injuriously affect municipalities never intended to be legislated for. I call your attention to these facts that you may give additional consideration, and the most careful scrutiny to all such special legislation, under the name of general bills.

A measure has been introduced into one of your bodies to provide for the settlement of disputes between employers and employees in certain of the great industries of the State. This is a movement in the right direction. Though limited to but a few of the departments of labor, yet it is a beginning upon a subject that ought long ago to have received legislative action. The concerns of that great body of our citizens who labor for wages are entitled to the most earnest consideration. The law should most zealously and rigidly guard their interests and protect their rights. When either is injured or denied they ought to have some resource in the law to which they can look for assistance. Some provision should be made that when disputes arise between those who pay and those who receive wages, the contention could be settled under the conditions of a law which should administer justice alike to both parties to the controversy. The courts are open to other citizens to enforce their rights; why should they not be to those who toil for wages to enforce theirs? I suggest the practicability in many instances of a provision being made requiring employees to give a certain timely notice to their employers before quitting work on account of a refusal to increase wages, and the employer to give a similar notice to the laborer before reducing pay. This would prevent many of the mischiefs of strikes and enable both parties to provide in time for changes that by their suddenness often bring want, misery and ruin to many. The bill before you and the whole subject ought to occupy much of the best thought of the Legislature.

I recommend that in the matter of the deposit of the State moneys a regulation be enacted similar to that governing the public deposits in the city of Philadelphia. In that city certain banks are designated by law as places of deposit, and the amount of money which may be deposited in each is proportioned to the security each offers by virtue of its credit and financial responsibility. This plan is based upon sound business principles, and has been found to work well in the city where it has been tried. Under existing laws the State Treasurer may deposit his balances with any bank corporation, firm or individual, as he may think proper. This is too wide a discretion to vest in a public officer. It opens the door to favoritism and subjects the official to the importunities of party and personal friends, to resist which is often difficult, and to accede to which may be to the public detriment.

The Constitution requires that all election laws shall be uniform throughout the State. In some of the counties, however, a system of voting is in vogue under an old law by which each elector is required to have an inconveniently large number of tickets, embracing as many as there are candidates to be voted for. This entails much difficulty and embarrassment upon the voter, enlarges accuracy and promotes fraud. Any system which tends to put impediments in the way of a free, easy and simple exercise of the right of suffrage is objectionable. I hope the Legislature will promptly relieve the citizens of the counties referred to by bringing them under the operation of the general election law, as was intended by the Constitution.

While upon this subject, I would suggest the passage of a law similar to that in force in other States, prescribing how all ballots used by electors shall be printed, their shape, the size, the character of type, and the quality and color of the paper to be used. This would contribute to the secrecy of the ballot and would be a protection to many in the exercise of their franchises, free from the knowledge and surveillance of employers and others upon whom they may be dependent. It would also prevent many deceits and impositions being practiced upon voters by deceptive headings. To how great an extent this mode of fraud has prevailed is well known and was forcibly illustrated when, a few days ago, an important public officer of the State voluntarily testified in the trial of a cause that he had procured large numbers of tickets to be prepared for use at an

election with one party's heading and another party's candidates printed thereon. Such deceptions upon the voter would not be possible if the entire character of the ballot was prescribed and regulated by law.

A general salary bill should be passed for the Judges of the Commonwealth. As to some of them, no salaries have been fixed, and the whole law upon the subject is in a loose and fragmentary condition. Some general and comprehensive bill should be passed upon the subject at this session of the Assembly.

You will be called upon to apportion the State into Congressional, Senatorial and Representative Districts. It is important that this work should be done at this session. There should be no difficulty in agreeing upon such bills as will give fair and just representation to all sections and interests. So important a matter should be approached without party zeal, and with no desire to do anything but carry out the plain spirit and intent of the law. Any advantages gained by one party over another by partisan apportionments have always proved short lived, and have often terribly reacted upon their authors. Let the directions of the Constitution be observed as to compactness of territory, and as far as possible equality of population, and let party and personal interests be subordinated and forgotten, and there will be no trouble in promptly making an apportionment that will give true and just representation to all the people. To give one locality more representation than it deserves is to disfranchise other localities that get less than their just share. To huddle together into one tortuous, misshapen and uncompact district all citizens of a particular party faith, so that their influence may not be distributed into other districts, is to commit a serious wrong against such constituency. I hope many of the defects and much of the injustice of the present apportionment will be remedied by the work of this session.

There are outstanding many charters of incorporation granted by the Legislature before the adoption of the present Constitution. Some of them contain grants of monstrous powers, unlimited in extent and capable of great abuse. Many of them were passed without any design but to give to certain individuals franchises of the State that they might sell them for profit. A great many of these charters have never been used or operated, but have been sold to brokers who now

hold them ready for sale at large sums, to any designing persons who want to obtain corporate powers of a kind and in a manner which the law will not now permit. There are many hundreds of such charters in private hands that are hawked about through the State and the United States. One of the greatest scandals our political history ever knew, that of the *Credit Mobilier*, was made possible from this condition of affairs. That great blot upon the national honor had its origin in the purchase of a Pennsylvania act of incorporation.

These outstanding charters are kept alive by a fictitious organization. They have never been operated, no rights have become vested under them, no business has ever been transacted through or by them, and no bona fide contract relations have been consummated between the State and its citizens. It cannot be that these franchises of the State—very often containing important rights of eminent domain—can be thus debased and abused. It would seem that by operation of law these rights would lapse to the State for non-user. At all events, the Attorney General will, at the first opportunity, make a test case for the courts to determine the question, so that if possible these charters may be annulled. Meantime, I would suggest to the Legislature that some law be passed revoking all such franchises wherever an actual and bona fide organization for the purposes of the grant has not been effected. This would, no doubt, materially aid the Attorney General in future litigation.

I recommend that the Legislature take steps to enforce by appropriate legislation Article XVII of the Constitution. That article provides that all individuals and associations shall have equal rights upon railroads and canals, without discrimination in charges or facilities as to persons or places. It prohibits the consolidation of the stock, property or franchises of competing companies. It provides that common carriers shall not engage in any business other than that of common carrying. It seeks to prevent officers of corporations from corruptly profiting by the business of their companies. It prohibits unfair preferences in furnishing cars or motive power, by drawback or otherwise, between transportation companies and individuals. It also forbids the issuing of free passes to any persons other than officers or employees. In short, Article XVII seeks to make transportation companies act justly, to compel them to treat all citizens impartially and fairly, to make them deal honestly, and to prevent them

harrassing or oppressing any part of the community. Such wise and wholesome provisions, intended for the common good, ought not to be rendered abortive by the neglect of the legislative power. I sincerely recommend that a bill be passed to give full effect to these sections of the fundamental law, either by imposing penalties for their violation, or in such other way as the Legislature may determine. The Constitution was adopted in 1873, and up to this time no effort has been made to enforce its just provisions as to railroads and canals. I am glad to observe that a bill is now before you relating to the free pass abuse which the Constitution prohibits. I trust an effective measure will be enacted upon that subject as well as all those referred to in Article XVII.

A commission to consider the revenues of the State, appointed at the last session of the Legislature, has, I understand, completed its labors and reported a bill to your bodies. The Executive, therefore, defers any suggestions upon the subject of taxation until he has an opportunity of considering the completed recommendations of that commission. He will, from time to time, as the Constitution directs, communicate his thoughts to the Legislature as occasion may seem to warrant.

No session for many years has presented so many important subjects for legislative action. The people look forward with high expectancy to the results of your deliberations, and I entertain the belief that their hopes for wise and wholesome legislation will be realized.

ROBERT E. PATTISON.

UNIVERSITY OF ILLINOIS-URBANA



3 0112 098434878